

# **GREEN ACRES PROGRAM**

*New Jersey Department of Environmental Protection*



## **PLANNING INCENTIVE LAND ACQUISITION APPLICATION 2017**

### ***Green Acres Mission Statement***

*To achieve, in partnership with others, a system of interconnected open spaces  
whose protection will preserve and enhance New Jersey's natural environment  
and its historic, scenic, and recreational resources  
for public use and enjoyment.*

**GREEN ACRES PROGRAM  
MAIL CODE 501-01  
501 EAST STATE STREET, 1<sup>ST</sup> FLOOR  
P.O. BOX 420  
TRENTON, NJ 08625-0420  
TEL: (609) 984-0500; FAX: (609) 984-0608  
[www.NJGreenAcres.org](http://www.NJGreenAcres.org)**

# GREEN ACRES PROGRAM PLANNING INCENTIVE ACQUISITION APPLICATION

## GENERAL INFORMATION AND GUIDELINES

Since 1961, the Green Acres Program has funded the acquisition of open space for recreation and conservation purposes, and the development of outdoor recreational facilities. The Green Acres Program remains committed to preserving New Jersey's natural, historic, and recreational resources statewide. We are pleased to be able to continue the tradition of partnering with local and county governments and nonprofit organizations to serve the people of our state.

**The application deadline for our next funding round is February 15, 2017.** Approvals will be made using funds available from the 2014 voter-approved referendum which became the Preserve New Jersey Act (P.L. 2016, C 12). If available, these funds will be supplemented with awards from federal programs such as the Land and Water Conservation Fund. Projects will compete against each other, and successful applications will be approved by the Garden State Preservation Trust. The demand for funding continues to greatly exceed Green Acres' available funding. Successful applications are normally approved subject to a cap, and often there is not sufficient funding to approve all eligible projects. Competition will be intense. **As a result, we will only consider funding requests from new applicants or from applicants who are making significant progress on previously approved projects.** In addition, we will only approve one project per applicant. (The only exception is that a local government may also submit an application for our new Stewardship grants, described below.) All interested applicants are encouraged to contact Green Acres *as early as possible* to discuss project eligibility, program priorities, and application procedures.

To support local governments with progressive open space policies, Green Acres established the Planning Incentive (PI) category, which provides matching grants to qualifying local governments for the acquisition of land for conservation and recreation purposes. To qualify for this funding, local governments must have a Green Acres-approved Open Space and Recreation Plan (OSRP), and either an open space tax *or* an alternate funding source that is stable, equivalent to an annual tax levy, and approved by Green Acres. Currently, over 200 municipalities and all 21 counties in the state have passed referenda authorizing the establishment of an open space tax.

A local government can benefit in two ways from submitting a planning incentive acquisition application. First, planning incentive applicants are eligible for 50 percent matching grant funding, as compared to 25 percent grant funding through the Green Acres standard acquisition program. Second, a local government may submit one planning incentive application to acquire any eligible property identified in its OSRP. Under the standard acquisition program, a local government would have to make application for each parcel targeted for acquisition.

Once a project has been approved under the PI category, Green Acres will establish an account from which the local government can obtain funding for the acquisition of lands identified in its plan. Applicants will be asked to prioritize sites and will be required to sign contracts and follow the normal Green Acres land acquisition guidelines and procedures, including obtaining appraisals, surveys, preliminary site assessments, and title insurance for each parcel. After the local government expends the grant award, Green Acres will consider supplemental funding requests based on available funding and an evaluation of the local government's progress in acquiring land. Please note that local governments may request additional funding for an existing planning incentive project by simply submitting a letter listing anticipated acquisitions and funding needs for the upcoming year. Requests for supplemental funding will be considered if the local government has made regular and significant progress in spending previously approved funding.

## APPLICANT ELIGIBILITY

To be eligible for funding under the Planning Incentive category, a local government must have:

1. Enacted, and be collecting and expending, an open space tax pursuant to either N.J.S.A. 40:12-16, of at least one half cent per \$100 of assessed value, or  
Adopted an alternate funding means **approved by the Green Acres Program** for land preservation that is

stable and reasonably equivalent to an annual open space and recreation tax levy of at least 1 cent per \$100 of assessed value for a ten year period; and

2. Prepared an Open Space and Recreation Plan (OSRP) that has been approved by the Green Acres Program.

### **PROJECT ELIGIBILITY**

Eligible projects include, but are not limited to, the purchase of natural areas, unique land types, historic sites, conservation areas, water bodies, and areas to be used for active or passive outdoor recreation purposes. The acquisition of properties predominantly covered by building improvements (except for the acquisition of historic structures) is not eligible for assistance unless the local unit will remove the structures.

### **ELIGIBLE COSTS**

Costs eligible for funding include the cost of acquiring the land as well as other costs if they are included in the initial request and there are sufficient funds. These include survey, appraisal, title, and preliminary assessment costs associated with an acquisition, provided these reports are prepared in accordance with Green Acres guidelines. The cost to demolish buildings on a site being acquired is eligible for reimbursement up to an established cap per project. Relocation costs and costs of well testing, done in compliance with the Private Well Testing Act (P.L. 2001, c. 40; N.J.S.A. 58:12A-26 et seq.), also are eligible for reimbursement, if applicable. Incidental costs, individually itemized, associated with the implementation of the acquisition project, including legal, engineering, financial, geological, hydrological, inspection, and other professional services are eligible for reimbursement up to an established cap.

### **APPLICATION REQUIREMENTS**

All applicants must advertise and hold a public hearing for the purpose of discussing the proposed project *before* submitting an application for Green Acres assistance. The applicant must publish a notice of the public hearing in the official newspaper of the municipality in which the proposed project is located, and, if the local government unit is a county, also in a newspaper of general interest and circulation. The hearing must be advertised as a display ad at least 15 days before the hearing. The advertisements must specifically mention the proposed Green Acres application. The public hearing must be held in the evening and must be conducted by the elected governing body of the local government unit.

### **OPEN SPACE AND RECREATION PLAN REQUIREMENTS**

Green Acres has prepared an outline entitled "Open Space and Recreation Plan Guidelines" for local units interested in participating in the PI and preparing an OSRP. Please contact Green Acres for a copy of this guidance document, or download it from the Green Acres web site at [www.nj.gov/dep/greenacres](http://www.nj.gov/dep/greenacres).

The organization of the Open Space and Recreation Plan, planning methods employed, and level of detail are at the discretion of the local government. Green Acres requires the following components to be contained in the OSRP:

1. **Executive Summary:** A concise summary of a plan's origin, purpose, planning processes and findings, major goals it establishes, and actions it proposes.
2. **Goals and Policies:** The local government's goals should be clearly stated and relate to the applicant's philosophy of open space and recreation. Policies for effective action should be presented.
3. **Inventory:** Documentation of existing public and private open space and recreation resources and opportunities. The inventory should include the size, location, ownership, and usage of each site.
4. **Needs Analysis:** An analysis of the adequacy of the current open space and recreation system, as documented in the Inventory, to satisfy present and future needs.
5. **Resource Assessment:** The assessment of lands with open space and recreation potential and interest, and the land's ability and opportunity to meet the public's needs.
6. **Action Plan:** A program of actions to guide the orderly and coordinated execution of the plan's goals and strategies.
7. **General Open Space System Map:** A map of the open space and recreation system showing the location and general configuration of all existing public and private open space and recreation resources and sites identified as having open space and recreation potential.
8. **Additional Parcel Data Requirements:** Data required to maintain a statewide map of existing and planned open

space.

9. **Public Support:** To ensure public support in the Open Space and Recreation Plan process, local governments need to provide opportunities for public participation. The local government can use any public participation method it chooses, but will be required to hold at least two public meetings on the OSRP. A discussion of the public participation process should be included in the OSRP
10. **Plan Adoption:** *The local unit's Planning Board must adopt the OSRP as an element of the local master plan.* A statement of planning board adoption is to be included in the OSRP. The OSRP must be reviewed and updated as part of the master plan re-examination process.

Applicants should coordinate their OSRP with other planning documents and initiatives to avoid land use conflicts with affordable housing, transportation, flood control or similar projects. Green Acres encourages applicants to use existing information, such as natural resource inventories, master plan elements, and other related information to prepare the OSRP. Green Acres will also review the conservation and recreation plan element of a municipal or county master plan to see if it satisfies the plan requirement.

#### **PRELIMINARY SITE ASSESSMENT**

Green Acres requires careful review of all proposed project sites for evidence of past use as landfills; hazardous waste production, storage, or disposal sites; or of the adverse effects resulting from such sites in close proximity to proposed public land. This is intended to minimize public liability for site cleanup costs and allows the state and local unit to be reasonably assured that lands acquired with public funds can be used for recreation or conservation purposes without risk to public health.

For this reason, if your application is approved, you will be required to conduct a preliminary site assessment of each project site. Green Acres will provide guidance documents that require adherence to the minimum criteria established by the NJ DEP in the Technical Requirements for Site Remediation (N.J.A.C. 7:26E-3). Costs normally associated with this professional service are reimbursable as part of an approved and completed Green Acres project.

Green Acres encourages municipalities and counties to reclaim and restore former brownfields sites and transform them into public spaces, such as recreational and natural areas. The Department recently launched the "Brownfields to Greenfields" initiative and created the Office of Brownfields Reuse, where experienced NJDEP case managers can oversee remediation and revitalization efforts in your community. If you believe your project site qualifies as a brownfield, please discuss this with your Green Acres representative.

Local units proposing to acquire property for future park development should carefully analyze site suitability early in the open space/recreation planning process. Site attributes, such as wetlands, dunes, endangered species, mature forested areas, or other significant natural resources, may define, limit or, in some instances, preclude development. Applicants are urged to seek assistance from Green Acres or another source to ascertain whether special approvals and permits may be associated with sites proposed for recreational development. Early awareness of possible site development limitations is integral to sound planning practices and often minimizes subsequent construction delays and constraints.

#### **NEW STEWARDSHIP GRANTS**

The Preserve New Jersey Act made funding available to local governments for stewardship activities, defined as "an activity, which is beyond routine operations and maintenance, undertaken by the State, a local government or qualifying tax exempt nonprofit organization to repair or restore lands acquired for recreation and conservation purposes for the purpose of enhancing or protecting those lands for recreation and conservation purposes." Green Acres has decided to focus its limited Stewardship funding on natural resource and conservation projects and not active recreation facilities. Local governments seeking to make improvements to recreation facilities (such as ballfields) may apply for Green Acres park development funds. Stewardship funding will be in the form of a 50% matching grant or, for projects in Urban Aid municipalities, 75% matching grants. Applications for stewardship funding can be found at [www.nj.gov/dep/greenacres/pdf/launch.html#applications](http://www.nj.gov/dep/greenacres/pdf/launch.html#applications). The deadline for stewardship grant applications also is February 15, 2017. Green Acres staff is available to discuss the various funding programs/options.

## **Your Basic Responsibilities**

Prospective applicants are urged to familiarize themselves with the Green Acres Program rules (N.J.A.C. 7:36-1.1 found at [www.nj.gov/dep/greenacres/regs.pdf](http://www.nj.gov/dep/greenacres/regs.pdf)). The rules are designed to advance Green Acres' goals of expanding New Jersey's open space resources and increasing public outdoor recreation opportunities, giving attention to natural resource preservation. Acceptance of Green Acres funds obligates the local government unit to adhere to the program's requirements, both during the funding process and after a project is complete.

Most notably, Green Acres rules state that a local government unit that receives Green Acres funding cannot convey, dispose of, or divert to a use for other than recreation and conservation purposes any lands already held by the local government unit for those purposes at the time of receipt of Green Acres funding. The local government unit is required to list such lands on the Recreation and Open Space Inventory (ROSI), which is part of an application for Green Acres funding. If the application is approved, the ROSI will become part of the project agreement between the local government unit and the State, and will be recorded by the local government unit after it receives a disbursement of Green Acres funding.

Prior to accepting our funding, local governments should familiarize themselves with the requirements for maintenance and operation of Green Acres encumbered parkland at N.J.A.C. 7:36-25, including:

1. Sites funded by Green Acres must be open to the public without discrimination or exclusion based on residency.
2. Scheduling the use of facilities at directly funded sites is allowable, provided that such programmed uses are not exclusive or discriminatory and that adequate provisions are made for daily or non-scheduled use.
3. Fees for use of directly funded sites are allowable. Differential fees for use by non-residents may also be charged but must be discussed with Green Acres to ensure equity for all New Jersey residents. All revenues derived from use or operation of directly funded sites must be employed for the operation, maintenance, or capital expenses of either that facility or the park and recreation system as a whole.
4. Structures being acquired or developed with Green Acres funding must be used exclusively in support of outdoor recreation and conservation purposes. This condition will be included in the project agreement if the project is approved. Many compliance problems result from the use of such structures for ineligible purposes. To avoid such problems, local governments must discuss proposed future uses of structures with Green Acres, both during and after the funding process, to ensure that such uses are allowable.

## PLANNING INCENTIVE APPLICATION FORM

Complete and submit with **all required attachments** to:

**NJDEP Green Acres Program**

**Mail Code 501-01**

**P.O. Box 420**

**Trenton, NJ 08625-0420**

**Contact: (609)984-0500**

**For G.A. Use Only**

**Date Rec'd:** \_\_\_\_\_

**Application No.** \_\_\_\_\_

*APPLICATION MATERIALS SHOULD BE SUBMITTED ON PAPER (ONE COPY) AND ELECTRONICALLY  
(VIA EMAIL IF FILE SIZE IS SMALLER THAN 25 MB, OR VIA DISK, IF LARGER THAN 25 MB.)*

**Project Title** \_\_\_\_\_

**County** \_\_\_\_\_ **State Legislative District** \_\_\_\_\_  
**Congressional District** \_\_\_\_\_

**Applicant's federal identification number as assigned by IRS** \_\_\_\_\_

**Project Sponsor / Name of Local Unit** \_\_\_\_\_

**Address** \_\_\_\_\_

**City** \_\_\_\_\_ **State** NJ **Zip** \_\_\_\_\_

**Chief Executive Officer** \_\_\_\_\_

**Telephone Number (\_\_\_\_)** \_\_\_\_\_

### Total Estimated Cost of Acquisition Project

Land	\$	_____
Survey	\$	_____
Appraisal	\$	_____
Preliminary site assessment	\$	_____
Title	\$	_____
Demolition*	\$	_____
Other related costs (itemized)*	\$	_____ (please attach itemized list)
Total project cost	\$	_____
Total request this round **	\$	_____

\* Demolition and incidental costs are limited to established caps.

### Current Community Profile

Area \_\_\_\_\_ (square miles)

Population \_\_\_\_\_ Year: \_\_\_\_\_ Population per square mile \_\_\_\_\_

For municipal projects, has the municipality achieved an **approved petition for plan endorsement** or, for a municipalities in the Pinelands, received certification from the Pinelands Commission that its master plan and land use ordinances or regulations are consistent with the minimum standards of the Pinelands Comprehensive Management Plan,

pursuant to N.J.A.C. 7:50-3 Part II or IV, as applicable?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please submit verification.

**Project Description**

Please describe the scope of the project, the local unit's recreation and conservation goals, background on the local unit's open space preservation efforts, including the open space tax or equivalent, and any information about the types of land the funds will be used to acquire, including specific sites, if known. (Please note that information contained in this application may be used for press releases.)

---

---

---

---

---

---

**Are any properties being considered for acquisition listed on the New Jersey Register of Historic Places?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

(If yes, additional coordination with the NJDEP's Office of Historic Preservation will be required, depending on the potential impact to the listed property. Please see [www.nj.gov/dep/hpo/2protection/njrreview.htm](http://www.nj.gov/dep/hpo/2protection/njrreview.htm) for more details.)

**Have any parcels intended for acquisition been identified by a municipality or otherwise designated for use in meeting municipal fair share low and moderate income housing obligations under the Fair Housing Act of 1985 (N.J.S.A. 52:27D-301)?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please describe the alternative to meeting such obligations:

---

**Person having day to day responsibility for this application**

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone Number ( ) \_\_\_\_\_ extension \_\_\_\_\_

Fax Number ( ) \_\_\_\_\_

E-mail address (if applicable) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_ (name of authorized official), hereby certify that the information provided within this Green Acres Application Form is complete and true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of official authorized to submit application as  
per attached Governing Body Resolution



## PLANNING INCENTIVE APPLICATION CHECKLIST

**APPLICATION MATERIALS SHOULD BE SUBMITTED ON PAPER (ONE COPY) AND ELECTRONICALLY (VIA EMAIL IF FILE SIZE IS SMALLER THAN 25 MB, OR VIA DISK, IF LARGER THAN 25 MB.)**

1. \_\_\_\_\_ Application Form: Are all questions answered? Is form signed?
2. \_\_\_\_\_ Governing Body Resolution (the enclosed form must be used)
2. \_\_\_\_\_ Recreation & Open Space Inventory (ROSI) submissions:
  - \_\_\_\_\_ a. ROSI form (Link found on Page 10.)
  - \_\_\_\_\_ b. Official map of local unit, keyed to ROSI
  - \_\_\_\_\_ c. Current tax maps that show each parcel of parkland listed on local unit's ROSI. Each such parcel must be clearly outlined in distinctively colored ink. (\*\*If these maps were previously submitted and remain unchanged, please contact your Green Acres representative regarding a waiver.)
4. \_\_\_\_\_ Proof of publication of Public Hearing advertisement **and** minutes of hearing (Green Acres application must be mentioned in the advertisement of the special hearing.)
5. \_\_\_\_\_ Open Space and Recreation Plan
6. \_\_\_\_\_ Letter from local unit's Planning Board stating that the OSRP has been, or will be (give date) adopted as part of the Master Plan
7. \_\_\_\_\_ Letters in support of the project from the general public, civic groups and agencies, park commissions, recreation departments, environmental commissions, user groups, or other organizations

**NOTE:** This checklist should be returned with your completed application. If any items are not applicable, please indicate with 'N/A' next to that item.

**STATE OF NEW JERSEY**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**GREEN ACRES ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the \_\_\_\_\_ (*name of applicant*) desires to further the public interest by obtaining funding in the amount of \$ \_\_\_\_\_ from the State to fund the following project(s): (*describe the project*) \_\_\_\_\_ at a cost of \$ \_\_\_\_\_ (*project cost*);

NOW, THEREFORE, the governing body/board resolves that \_\_\_\_\_ (*name of authorized official*) or the successor to the office of \_\_\_\_\_ (*title of authorized official*) is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE \_\_\_\_\_ (*name of legal body or board*)

1. That the \_\_\_\_\_ (*title of authorized official*) of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as \_\_\_\_\_ (*project name*);
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$ \_\_\_\_\_;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

**CERTIFICATION**

I, \_\_\_\_\_ (*name and title of Secretary or equivalent*) do hereby certify that the foregoing is a true copy of a resolution adopted by \_\_\_\_\_ (*name of legal body or board*) at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(*name and title of Secretary or equivalent*)

## RECREATION AND OPEN SPACE INVENTORY

A local government that receives Green Acres funding is not allowed to convey, dispose of, or divert to a use for other than recreation and conservation purposes (1) any lands (including facilities) funded by Green Acres and/or (2) any lands held by the local government for recreation and conservation purposes at the time of receipt of Green Acres funding. The Recreation and Open Space Inventory (ROSI) is a document compiled by a local government as a master list of those funded and unfunded properties. For purposes of the ROSI, these lands include leasehold interests in parkland and conservation restrictions held by a local government.

The local government is required to submit a ROSI as part of its Green Acres funding application. The ROSI will be reviewed by the Green Acres Project Manager. If the local government has previously received Green Acres funding, the ROSI will be compared against the prior ROSI(s) to make sure there are no errors or omissions. The Project Manager may also have questions about the ROSI based on other available information (tax records, local planning documents, etc.)

If the application is approved, the final version of the ROSI will become part of the Project Agreement between the local government unit and the State. In addition, a Declaration of Encumbrance, including the ROSI, will be recorded by the local government unit with the County Clerk/Registrar after it receives its first disbursement of Green Acres funding. The recording of the Declaration of Encumbrance is intended to provide notice of the Green Acres restrictions on the ROSI lands to title searchers and the general public.

It is extremely important that applicants take the time to produce an accurate ROSI as part of the Green Acres funding application. While our Project Managers will review the draft ROSI, and may have questions or suggestions, the ROSI is an official document of the local government unit that must be approved by your governing body and signed by two qualified local officials. The submission of an incomplete or inaccurate ROSI can delay the approval of your funding application and/or your receipt of Green Acres funding.

The listing of a property on a ROSI is intended to impose a perpetual restriction on the listed properties. Once a property is listed on the ROSI, we can only agree to remove it in the future if you apply for a ROSI amendment, conduct a public hearing and prove that the listing was a “bona fide” error.

The ROSI template is now an Excel Macro Enabled Workbook that may be downloaded from the Green Acres website at <http://www.state.nj.us/dep/greenacres/xls/DeclarationOfEncumbrance.xltm> All pages are set to print in landscape on legal size paper except the Certification page.

### Legislative References

*N.J.S.A. 13:8A-1 et seq.; N.J.S.A. 13:8A-19 et seq.; N.J.S.A. 8:A-35 et seq., N.J.S.A. 13:8C-1 et seq.; Green Acres Rules: N.J.A.C. 7:36; Federal Land and Water Conservation Fund Act, 16 U.S.C. s. 460; and New Jersey Conservation Restriction and Historic Preservation Restriction Act N.J.S.A. 13:8B-1 et seq.*